GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:1771
ANSWERED ON:30.07.2015
Working of High Courts and Sub-ordinate Courts
Saraswati Shri Sumedhanand

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Law Commission has recommended to optimally utilize High Courts and Sub-ordinate Courts in the country;
(b) if so, the details thereof along with the reaction of the Government thereto; and
(c) the time by which these recommendations are likely to be implemented?

Answer

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI D. V. SADANANDA GOWDA)

(a) to (c): The Law Commission had submitted its 245th Report in July, 2014 on Arrears and Backlog : Creating Additional Judicial (wo) manpower. The focus of the report was to examine and suggest additional judicial (wo)manpower needed and its optimal utilization.

The Supreme Court in the case of Imtiyaz Ahmed versus State of Uttar Pradesh & Others, inter-alia asked the Law Commission of India to evolve a method for scientific assessment of the number of additional courts to clear the backlog of cases. The Law Commission recommended 'Rate of Disposal Method' for calculating adequate judge strength for District and Subordinate Courts. The Supreme Court has directed the State Governments and High Courts to file their response in the matter in the above case.

The other recommendations of the Law Commission include increasing the retirement age of judges of subordinate courts, creation of special morning and evening courts for traffic / police challan cases, provision of adequate staff and infrastructure for the working of additional courts and enabling uniform data collection and data management method by High Courts in order to ensure transparency and to facilitate data based policy prescriptions for the Judicial System.

The Law Commission felt that a systemic perspective, encompassing all levels of the judicial hierarchy, is needed for meaningful judicial reform. Taking measures for the timely disposal of cases at all levels of the judicial system; encouraging Alternative Dispute Resolution Methods, where appropriate and more efficient allocation and utilization of resources is required to fulfil the goal of providing timely justice to litigants.

The Joint Conference of Chief Ministers of States and Chief Justices of High Courts was convened on 5th April, 2015 to discuss the broad agenda of judicial reforms. With the enhanced devolution of funds to the States on the recommendations of the 14th Finance Commission it now falls on the State Governments to increase investment in justice sector. It was accordingly resolved that Chief Justices and Chief Ministers shall institute a mechanism for regular communication among themselves to resolve issues particularly those relating to infrastructure and manpower needs and facilities for the judiciary.